

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CHARLES E. HILL & ASSOCIATES, INC. §
§
vs. §
§
ABT ELECTRONICS, INC., ET AL. §

CASE NO. 2:09-CV-313-TJW-CE

ORDER

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 90), which contains his recommendation that the court deny Abt Electronics, Inc.’s (“Abt”) motion to dismiss for failure to state a claim (Dkt. No. 48), has been presented for consideration.

Abt filed an objection to Judge Everingham’s report and recommendation (Dkt. No. 92). Abt argues that *Aschroft v. Iqbal*, 129 S. Ct. 1937 (2009) changed the pleading standard for patent infringement cases, and the plaintiff’s complaint does not meet this standard. However, in *Tune Hunter Inc. v. Samsung Telecommunications America, LLC*, 2010 WL 1409245 (E.D. Tex. Apr. 1, 2010), this court held that “*Iqbal* does not alter the pleading standard outlined in *Twombly*.” *Id.* at *3. A complaint that satisfies Form 18 of the Federal Rules of Civil Procedure states a plausible claim of relief. *See id.* at *3-4. Because the complaint satisfies Form 18, the court concludes that the plaintiff has properly stated a claim for patent infringement.

The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts, in its entirety, the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the defendant’s motion to dismiss is DENIED.

SIGNED this 20th day of September, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE